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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 TIMOTHY DOYLE YOUNG, )  
9 Plaintiff, ) No. C 07-0049 TEH (PR)  
10 vs. ) ORDER OF DISMISSAL  
11 UNITED STATES, et al, )  
12 Defendants. )  
13 \_\_\_\_\_ )

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15 Plaintiff, a federal prisoner currently incarcerated at the United States  
16 Penitentiary in Florence, Colorado, has filed a pro se civil rights action alleging  
17 violations of his constitutional rights in the prison's interference with his  
18 communication with the press. Plaintiff's complaint asserts the same cause of action  
19 and appears to be an exact copy of the complaint that he filed in a prior case before this  
20 Court under case number: C 07-6004 TEH (PR), which was transferred to the United  
21 States District Court for the District of Colorado. Therefore, the instant case is  
22 DISMISSED as duplicative of Plaintiff's earlier filed complaint.

23 ANALYSIS

24 I Standard of Review

25 Federal courts must engage in a preliminary screening of cases in which prisoners  
26 seek redress from a governmental entity or officer or employee of a governmental entity.  
27 28 U.S.C. § 1915A(a). The Court must identify cognizable claims or dismiss the  
28 complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or

1 fails to state a claim upon which relief may be granted," or "seeks monetary relief from a  
2 defendant who is immune from such relief." Id. § 1915A(b). Pro se pleadings must be  
3 liberally construed, however. Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th  
4 Cir. 1990).

5 II Legal Claims

6 A complaint that merely repeats pending or previously litigated claims may be  
7 considered abusive and dismissed under the authority of 28 U.S.C. § 1915. Cato v.  
8 United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); Bailey v. Johnson, 846 F.2d  
9 1019, 1021 (5th Cir. 1988). This action is duplicative of an earlier complaint filed in  
10 this Court that was previously transferred to the United States District Court for the  
11 District of Colorado and is therefore DISMISSED.

12 **CONCLUSION**

13 For the foregoing reasons, Plaintiff's action is DISMISSED as duplicative. 28  
14 U.S.C. § 1915A. The Clerk of Court shall enter judgment and close the file.  
15 SO ORDERED.

16 DATED: 01/17/08

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19 THELTON E. HENDERSON  
20 United States District Judge  
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